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OFFICE OF PETITIONS

PATENT  
Docket No. 393072016800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the application of:

Tsuyoshi FUTAMASE, et al.

Serial No.: 09/626,304

Filing Date: July 26, 2000

For: PORTABLE TELEPHONY  
APPARATUS WITH MUSIC TONE  
GENERATOR

Examiner: J. Donels

Group Art Unit: 2837

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. Also enclosed are copies of the Japanese and English translation of the Japanese office action from which these documents were cited. The Examiner is requested to make these documents of record and consider them before payment of the issue fee becomes due.

This Information Disclosure Statement is submitted with a Request for Continued Examination (RCE) and a petition to withdraw issue.

la-722817

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The undersigned hereby certifies that each item contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 393032016800. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 5, 2004

Respectfully submitted,

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<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 393032016800	Application Number 09/626,304
	Applicant Tsuyoshi PUTAMASE, et al.	
	Filing Date July 26, 2000	Group Art Unit 2837
	Mailing Date May 5, 2004	

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	06/16/1998	5,768,127	Y. Murata			
	2.	03/07/2000	6,034,314	M. Koike			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	3.	04/06/1988	63-15777	Japan			Abstract
	4.	02/03/1992	4-3353	Japan			Abstract
	5.	06/16/1992	4-168493	Japan			Abstract
	6.	09/10/1993	5-232948	Japan			Abstract
	7.	05/15/1998	10-124046	Japan			Abstract
	8.	10/09/1998	10-271245	Japan			Abstract

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

MAY 05 2004  
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Reference No. C28197

Mailing No. 107211

Mailing Date: March 30, 2004

NOTICE OF REASON FOR REJECTION

Patent Application No. 310750/1999

Drafting Date: March 18, 2004

Examiner of Patent Office: Hiroshi Masuko 9380 5C00

Attorneys for Patent Application: Keikou Okabe

Applied Prescription: Article 29, Paragraph 2 of the Patent Law

This application should be rejected for the following reason. If you have any opinions about the rejection, you may submit an Argument within 60 days from the mailing date of this Notice.

REASON

The inventions in the following claims of this application could be easily invented prior to the filing of this application on the basis of inventions described in the following publications distributed in Japan or foreign countries before the filing of this application by a person skilled in the art. Therefore, they shall not be patented under the prescription of Article 29, Paragraph 2 of the Patent Law.

## REMARKS

(Refer to a list of cited reference documents)

<<claims 1 through 3 and 8>>

Reference 1 discloses a portable telephone set constructed to download music data composed of MIDI data from a system server for utilizing the downloaded music data as a ringing melody tone or holding melody tone.

It is well known method for automatic performance apparatus to include setting information concerning the timbre and effect into performance data and to carry out the automatic performance according to the setting information. Thus, it is a matter of mere design for the person skilled in the art to adopt such automatic performance method in the portable telephone set disclosed in Reference 1.

Further, it is a matter of mere design for the person skilled in the art to provide a CPU for controlling the automatic performance means and tone generating means separately from another CPU for controlling other processing.

Moreover, it is well known to construct the portable telephone set for downloading voice information and image information from the system server and reproducing these information (Please refer to Reference 2 and others, for example).

<<claims 4 and 7>>

It is well known to convert the format of the automatic performance data according to the machine model of the automatic performance apparatus (Please refer to

Reference 3, for example)

<<claims 5 and 6>>

It is well known to construct the automatic performance apparatus to allocate setting information concerning the timbre and effect to the automatic performance data having no setting information for conducting the automatic performance (Please refer to Reference 4, particularly page 3, right column, lines 7-15, and References 5-7, for example). There is no difficulty to apply such a technique to the portable telephone set disclosed in Reference 1. In this case, it is a mere design choice for the person skilled in the art to allocate the setting information concerning the timbre and effect to the automatic performance information at the side of the system server before downloading, or to allocate the setting information at the side of the portable telephone set after downloading the automatic performance data.

#### LIST OF CITED REFERENCE DOCUMENTS

1. Japanese patent application laid-open No. 10-150505
  2. Japanese patent application laid-open No. 10-271245
  3. Japanese patent application laid-open No. 10-124046
  4. Japanese patent application publication No. 63-15777
  5. Japanese patent application laid-open No. 5-232948
  6. Japanese Utility Model application publication No. 4-3353
  7. Japanese patent application laid-open No. 4-168493
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Note of Prior Art Literature Inspection Results

- Field of Inspection: IPC 7th Edition, G10H1/00-1/00,102
- Prior Art Literature:

This Note of Prior Art Literature Inspection Results  
does no constitute any reason for rejection.